

AF/1600



PATENT
Attorney Docket No. FJN-077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

MAR 17 2003

APPLICANT(S): Tani *et al.*

SERIAL NO.: 09/423,905

GROUP NO.: 1645 **TECH CENTER 1600/2900**

FILING DATE: March 19, 1999

EXAMINER: P. Duffy, Ph.D.

TITLE: Therapeutic Agent for Preventing and/or Treating Sepsis

**REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 1645**

Box AF
Commissioner for Patents
Washington, D.C. 20231

Amat
2/10
(KZ)
Linda
3/18/03

AMENDMENT AND RESPONSE AFTER FINAL ACTION

Sir:

This paper is responsive to the final Office action mailed from the U.S. Patent and Trademark Office on December 16, 2002, for the above-referenced patent application. Applicants believe this submission necessitates no petition or fee. Nevertheless, if any petition or fee is required, please consider this a conditional petition therefor and authorization to charge deposit account no. 20-0531.

TRANSMITTAL
FORM

| | |
|---------------------------|-----------------|
| Application Serial Number | 09/423,905 |
| Filing Date | March 19, 1999 |
| First Named Inventor | Tani |
| Group Art Unit | 1645 |
| Examiner Name | P. Duffy, Ph.D. |
| Attorney Docket No. | FJN-077 |

ENCLOSURES (check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Amendment/Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition to Convert to a Provisional Application <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Supplemental Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>) Exhibit A |
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Respectfully submitted,

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AMENDMENT

Please cancel claims 6, 11, 17 and 22 without prejudice to Applicants' right to pursue the subject matter of the claims in this application and in related applications.

Please amend claims 4, 13 and 15 to read as follows:

C¹ 4. (Amended) The method of claim 2, wherein the TCF-II is produced recombinantly.

13. (Twice Amended) A method for reducing lipopolysaccharide (LPS)-induced bacterial translocation in a mammal, the method comprising the step of:

C² (a) administering to a mammal at risk of LPS-induced bacterial translocation in the intestine an amount of isolated or purified tissue cytotoxic factor – II (TCF-II) effective to reduce LPS-induced bacterial translocation.

OK to enter
3/21/03
RAB

C³ 15. (Amended) The method of claim 13, wherein the TCF-II is produced recombinantly.